

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Crim. No. 06-126 (JBS)
	:	
	:	
WILLIAM BROWN,	:	
	:	
Defendant.	:	

MOTION *IN LIMINE* OF DEFENDANT WILLIAM BROWN

Defendant William Brown moves for the following *in limine* rulings:

(1) prohibiting the Government from introducing DNA evidence against Mr. Brown because the proffered DNA findings are of marginal statistical significance. Given the low random-match probability ratios for specimens Q14 (hat) and Q15 (hat), the DNA evidence is of minimum probative value and will have a substantial prejudicial effect if placed before the jury as scientific findings; and,

(2) directing the Federal Bureau of Investigation (FBI) to enter the major profile in Q15 (hat) into the Combined DNA Index System (CODIS), as it did with the major profiles in Q10 (hat) and Q11 (hat) where the major contributor remains unknown, and to disclose that information to the defendant; and,

(3) precluding the victims from providing an in-court identification of Mr. Brown because the pretrial identification procedure was unnecessarily suggestive and gave rise to a substantial likelihood of misidentification.

Respectfully submitted,

/s/Lisa Evans Lewis

Lisa Evans Lewis
Assistant Federal Public Defender

/s/Christopher O'Malley

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On the Brief: Julie A. McGrain, Esq.
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William Brown

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing defendant's Motion *In Limine* and Memorandum of Law in Support of defendant's Motion *In Limine* were served via electronic filing upon counsel for the government, Assistant United States Attorney Steven J. D'Aguanno, on October 19, 2006.

Respectfully submitted,

/s/Lisa Evans Lewis

LISA EVANS LEWIS
Assistant Federal Public Defender

DATED: October 19, 2006